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**MAY 13 2004**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
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WASHINGTON, DC 20233

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**FOLEY & LARDNER  
3000 K STREET NW  
SUITE 500  
WASHINGTON, DC 200075109**

Paper No: 35  
Appeal No: 2004-1325  
Appellant: BECK, OLIVER  
Application: 09/121,702

Application 09/121,702 was received from the Technology Center at the Board on April 6, 2004 and has been assigned Appeal No: 2004-1325.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: April 25, 2002  
Reply Brief filed on: April 25, 2003  
Request for Hearing filed on: April 25, 2003

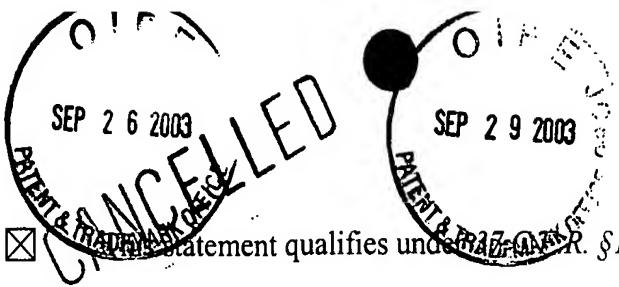
In all future communications regarding this appeal, please include both the application number and the appeal number. If the information in your records is different from that shown above, please let us know within 14 (fourteen) days from the mailing of this letter.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES  
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By order of the Board of Patent Appeals and Interferences



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- a certification as specified in §1.97(e) is provided below; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

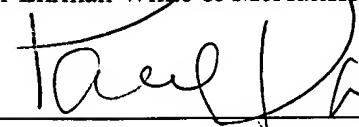
*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Dated: September 24, 2003

Respectfully submitted,

Heller Ehrman White & McAuliffe, LLP

By:

  
Paul Davis, Reg. No. 29,294

Atty. Dkt. No. 016906-0183

134  
 LTR  
 Lorraine  
 Chad  
 5/13/04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appellant:** Oliver BECK et al.

**Title:** HEATING OR AIR-CONDITIONING  
SYSTEM FOR A MOTOR VEHICLE

**Appl. No.:** 09/121,702

**Filing Date:** 07/24/1998

**Appeal No.** 2004-1325

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<u>EILEEN E. Voss</u> <small>(Printed Name)</small>	
<u>Eileen E. Voss</u> <small>(Signature)</small>	
<u>May 13 2004</u> <small>(Date of Deposit)</small>	

**REPLY TO COMMUNICATION FROM THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
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BOARD OF PATENT  
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MAY 13 2004

Sir:

Receipt is acknowledged of the communication dated April 30, 2004, noting the filing date of appellant's briefs and request for oral hearing in the subject proceeding. The undersigned has reviewed the content of this communication and advises as follows:

Appeal Brief filed on December 10, 2001  
 Corrected Appeal Brief filed on April 25, 2002  
 Reply Brief filed on April 25, 2003, and  
 Request for Oral Hearing filed on April 25, 2003.

Atty. Dkt. No. 016906-0183

The Board is requested to make the noted corrections to the office records.

Respectfully submitted,

Date May 13, 2004

FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

By Richard L. Schwab  
Richard L. Schwab  
Attorney for Applicant  
Registration No. 25,479